



Private Representation Costs - Felonies

For the purposes of determining whether someone has a right to public defense counsel, the Washington statute defines indigent to include: “ ... a person who at any stage of a court proceeding is: ...(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.” RCW 10.101.010(3)(d).

Consistent with its duty to periodically report on the criteria for determining indigency, the Washington State Office of Public Defense (OPD) provides this overview of typical private attorney fees to assist trial courts in determining whether a particular defendant is “unable to pay the anticipated costs of counsel,” as provided in statute.

In Spring 2015 OPD conducted an online survey of private criminal defense attorneys statewide, to determine the average cost of private representation in various case types. The survey specifically asked for attorney costs, and did not include additional expenses for investigators, experts, or other professional services. Below are the survey results for felonies:

Case Type	Average Attorney Cost
Felony Controlled Substance Cases	\$13,750
Felony Sex Offense Cases	\$27,750
Felony Domestic Violence	\$14,500
Other Class A Felonies	\$30,000
Other Class B Felonies	\$15,000
Other Class C Felonies	\$10,500
Felony Probation Hearings	\$1,900

The survey also asked attorneys to identify how much advance payment is required prior to representing criminal defense clients. All responding attorneys answered that at least some pre-payment is required. More than 78% of respondents indicated that at least 50% of attorney fees must be paid in advance.